

Serial No. 10/672,516

REMARKS

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OCT 25 2006

The Examiner has rejected claim 1 under 35 U.S.C. 102(a) as being anticipated by Marzoni, Jr. (US 4,055,348). Marzoni, Jr. discloses a word game using five 20-sided die with all consonants, one on each side, excluding the letter Y. Claim 1 of the present invention claims "A word game using three 20-sided die (icosahedrons) with *all the* consonants, one on each side (face), except for Y." (emphasis added) That means each consonant in the alphabet is represented on a side of each die. This structure is supported by Fig. 2, showing each consonant of the alphabet, except for Y, appearing once and only once on a side of the die. The Marzoni, Jr. reference explicitly teaches away from using every consonant once on the 20-sided die in Column 2, lines 41 – 47. Marzoni, Jr. goes to great lengths to justify the statistical distribution of consonants across five 20-sided die. Further, in Figure 2E, Marzoni, Jr. shows three consonants (J, Q, and Z) sharing a common side of a die. None of the five die shown by Marzoni, Jr. in Figures 2A – 2E have all 20 consonants, except for Y, nor does the Marzoni, Jr. reference disclose a die having all 20 consonants in the claims, tables, or text of the specification. The applicant has amended claim 1 to more particularly describe the game of the present invention and to further distinguish over the game described in the Marzoni, Jr. reference.

The Examiner has rejected claim 2 35 U.S.C. 102 as being anticipated by Koopman (US 2003/0201601). Koopman discloses a word game using a six-sided die with all vowels, one on each side, including the letter Y. The applicant has cancelled claim 2. A new dependent claim 3 describes using a six-sided die in conjunction with the three 20-sided die of claim 1.

The examiner has determined that the Peynet (FR 2224186 A) is pertinent to the applicant's disclosure. The applicant submits that the Peynet reference does not disclose a 20-sided die, but rather distributes 20 consonants across the faces of a six-sided die. (See Column 1, lines 20-24, and Figure 1.) To further distinguish the present invention from the Peynet reference, the six-sided vowel die in the Peynet reference uses the vowel "YE" but does not disclose the vowel "Y" as used in the present invention.

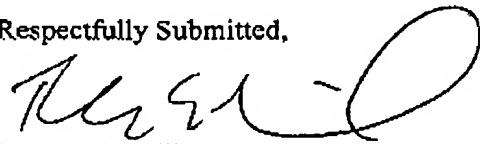
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The applicant has added a new defendant claim 4 to describe a variation on the game of claim 1 where the player forms a word using the letters in a predetermined sequence. This variation is supported by the specification in paragraph [0011].

The applicant respectfully requests that the examiner enters the claim amendments and arguments into the record.

In light of arguments presented above and the modifications to the claims to address the Examiner's rejection, it is believed that the application is in condition for allowance.

Respectfully Submitted,



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